

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

APPELLANT'S REPLY BRIEF

APPELLANT: Katrin Reisinger CONFIRMATION NO. 5666
SERIAL NO.: 10/797,838 GROUP ART UNIT: 3628
FILED: March 10, 2004 EXAMINER: Freda Ann Nelson
TITLE: APPARATUS FOR AUTOMATIC DETERMINATION OF A
 PRODUCT DESCRIPTION FOR DISPLAY BY MEANS OF A
 MAIL-PROCESSING DEVICE

MAIL STOP APPEAL BRIEF- PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

S I R:

In response to the Examiner's Answer dated December 3, 2008, Appellant herewith submits her Reply Brief in accordance with 37 C.F.R. §41.41.

The present Reply Brief will be confined to responding to the Examiner's primary argument that Appellant believes underlies all of the Examiner's comments and rejections. That point, Appellant believes, is the position of the Examiner that the term "product code" is not defined in the claims, nor in the present specification, in a manner that requires the Examiner to interpret that term in the specific manner argued by the Appellant, namely to identify a type of mailing service that is being used to mail a particular item, with the corollary requirement that the produce code (i.e. a number) then also be incorporated in the franking imprint that is printed on the mailed item.

This position of the Examiner is set forth at pages 7 and 8 of the Examiner's Answer.

In response, Appellant notes that independent claim 1 of the claims on appeal does not merely refer to “product codes” as a generic term, but very precisely refers to “different country-specific, postal authority-defined product codes.” The Examiner faults the present specification as providing “only” examples of such product codes, however, the present specification, in the paragraph beginning at page 3, line 3, provides citation to several hundred examples of product codes in different countries, such as Germany, the Netherlands and Canada (the United States being a country that has not yet adopted a specific requirement to include a produce code in the franking imprint). Based on this definition in the present specification, it is clear that the term “product code” is, in fact, being used in the specification, and therefore in the claims, in a very precise manner, namely to refer to the product codes that are defined by the postal authorities in different countries, and that are therefore country-specific to the postal authority in the defining country.

Moreover, during prosecution of the application before the Examiner, Appellant submitted the specification sheet for the digital franking requirements referred to as Frankit, which have been implemented in Germany. This document extensively describes the requirements and all details relating to “product codes” as they are required to be used in Germany.

Therefore, those of ordinary skill in the field of franking mailing items have not only a very clear, but also a governmentally defined, meaning and scope of the term “product codes.”

This precise and well-known meaning underlies Appellant’s arguments in the Main Appeal Brief as to why it is not permissible for the Examiner, in the absence of

a disclosure of product codes in the references relied upon by the Examiner, to equate product codes with some other type of designation, such as a country code.

In substantiation of the Examiner's position, the Examiner stated, at the bottom of page 7 of the Examiner's Answer, that it is required to give claims their broadest reasonable interpretation in light of the supporting disclosure. Appellant of course does not disagree with this basic statement of USPTO procedure, but an equally basic cannon of claim construction is that no words in a claim can be ignored. Appellant respectfully submits that by "generically" interpreting the term "product codes" in claim 1, the Examiner is ignoring the modifiers "country-specific", and "postal authority-defined" that clearly define the term "product codes" in the language of claim 1 in the manner argued in Appellant's Main Brief.

An oral hearing is not being requested, and therefore this Appeal is in a form ready for submission to the Board of Patent Appeals and Interferences.

Submitted by,



(Reg. 28,982)

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